



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 29, 1994

Ms. Christine Rodriguez  
Staff Attorney  
Legal Services, MC110-1A  
Texas Department of Insurance  
P.O. Box 149104  
Austin, Texas 78714-9104

OR94-200

Dear Ms. Rodriguez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 25320.

The above-referenced Open Records request concerns materials in the possession of the Insurance Fraud Unit of the Department of Insurance. Section 5(a) of article 1.10D of the Insurance Code provides that materials "acquired by the department [and] relevant to an inquiry by the insurance fraud unit" are not public records "for as long as the commissioner considers reasonably necessary to complete the investigation, protect the person under investigation from unwarranted injury, or serve the public interest."

In enacting section 5(a) of article 1.10D, the legislature chose to grant the commissioner, rather than the attorney general, the authority to decide if the requested information is confidential. *See* Open Records Decision No. 608 (1992). You have deemed the documents at issue in this request as confidential in accordance with section 5(a). Accordingly, such materials are confidential, and are exempt from disclosure under section 552.101 of the Government Code.

If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Rebecca L. Payne', is written over a circular embossed seal.

Rebecca L. Payne  
Section Chief  
Open Government Section

RLP/rho

Ref.: ID# 25320

Enclosures: Submitted documents

cc: Mr. James W. Johnson  
Town and Country Insurance  
4528 McKinney Avenue, Suite 103  
Dallas, Texas 75205  
(w/o enclosures)